

City of Fremont Secondary Dwelling Unit Fact Sheet

Secondary Dwelling Units

Definition: "Secondary dwelling" means an additional dwelling unit established in conjunction with a single-family dwelling on the same lot. A secondary dwelling unit shall include a kitchen, sleeping and full bathroom facilities with a permanent foundation. As provided in Government Code §65852.2, efficiency apartments and manufactured homes may be developed and occupied as secondary dwelling unit uses consistent with this Chapter.

Pursuant to Section 8-22159.5 of the Fremont Municipal Code (FMC), secondary dwelling units, as defined in this chapter, shall be allowed in any single-family residence district, one- and two family residence district or residential planned, district allowing one- or two-family dwellings, open-space and planned district districts subject to the following:

(1) Permitting procedure.

- a. Any application for a secondary dwelling unit that meets the location and development standards contained in this subsection (b) shall be subject to ministerial review and approval by the development organization staff without discretionary review or public hearing. No secondary unit shall be established or maintained until there has been a building permit approved by the development organization. The application for the permit shall include:
 - (1) Site plan indicating location of existing residence, proposed secondary dwelling unit and parking;
 - i. Floor plan of existing residence and proposed secondary dwelling unit;
 - ii. Elevations of all sides of the principal and secondary dwelling unit; and,
 - iii. A topographic survey and grading plan may be required.

(2) Criteria for secondary dwelling units.

- a. Location:
 - i. Only one secondary dwelling unit shall be allowed in conjunction with an existing or proposed single-family dwelling on a legal lot with a minimum lot area equal to or greater than 5,000 square feet.
 - ii. A secondary dwelling unit shall not be allowed on a lot greater than 7,500 square feet located in the R-G district or on a lot greater than 6,000 square feet located in the R-3 district.
 - iii. A secondary dwelling unit shall not be allowed on constrained land as identified in Sections 8-21821.1 and 8-21715.1 of this chapter.
 - iv. A secondary dwelling unit is not required to meet the density requirements of the

- (3) General Plan, but shall otherwise be consistent with General Plan text and diagrams as provided in Government Code §65852.2.

City of Fremont Secondary Dwelling Unit Fact Sheet

- i. A secondary dwelling unit may be attached to (i.e., through conversion of existing floor area or addition of new floor area) or detached from the existing/proposed principal dwelling.
 - ii. A secondary dwelling unit shall be located only within an area of the lot allowed for the single-family dwelling as established by its zoning district. The secondary dwelling unit may be established through conversion of existing or construction of new floor area.
- (4) **Occupancy:** A secondary dwelling unit may be occupied as a separate single-family dwelling only if the legal owner of the lot occupies one of the dwellings located on the lot; otherwise, the secondary dwelling unit and the dwelling to which it is accessory shall be occupied as if they were one single-family dwelling. Nothing in this section prohibits the secondary dwelling unit or principal dwelling on the lot from remaining vacant. The city manager shall require recordation of a deed restriction setting forth this occupancy requirement before issuing a building permit.
- (5) **Size:** The total floor area of the secondary dwelling unit shall be no less than one hundred fifty square feet nor more than the maximum allowable area permitted based on the following table:

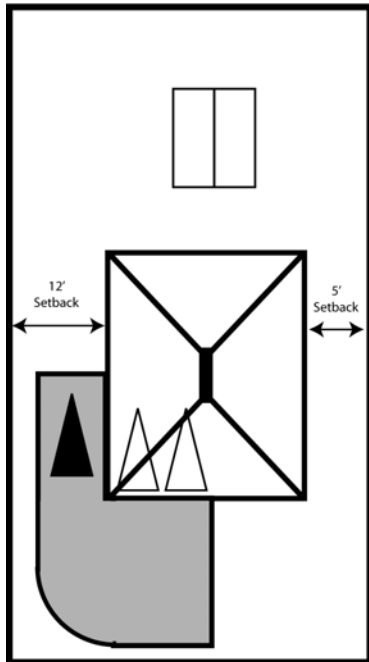
Parcel Size	Maximum Allowable Total Floor Area of Unit
≥ 5,000 square feet	700 square feet
≥ 8,000 square feet	800 square feet
≥ 10,000 square feet	900 square feet

- (6) **Design:**
- a. A secondary dwelling unit shall incorporate architectural features, building materials and colors that are compatible with the existing or proposed principal dwelling unit.
 - b. Outside stairways to the secondary dwelling unit shall not be in the front of the principal dwelling unit.
- (7) **Building height:** An attached or detached secondary dwelling unit located in the area permitted for the principal unit may not exceed the building height limitation applicable to the principal unit on the lot.
- (8) **Number per lot:** A lot may not have more than one secondary dwelling unit. In no case shall the total number of dwellings (i.e., principal and secondary units) exceed two on any lot developed with a secondary dwelling unit.
- a. **Number of bedrooms:** A secondary dwelling unit may not have more than two bedrooms.
 - b. **Parking:** The required parking for a secondary dwelling unit shall conform to the provisions of Article 20 of this chapter.

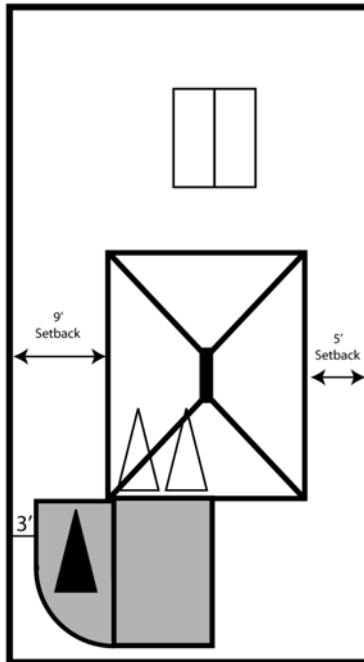
City of Fremont Secondary Dwelling Unit Fact Sheet

- c. Permanent foundation: A permanent foundation shall be required for all secondary dwelling units.
- (9) **Listed Historic Lots.** Notwithstanding subsection (a), a secondary dwelling unit may only be allowed on a lot that is listed in the National Register of Historic Places, the California Register of Historical Resources or any adopted local list of historic resources if Site Plan and Architectural Approval is granted by the Historical Architectural Review Board.
- (10) **Parking.** A secondary dwelling unit must be provided with 1 space per bedroom (may be uncovered). Space(s) must be provided in the rear and side yard setback areas (Alternative A). Where parking in the rear and side yard setback areas is not feasible due to site-specific conditions, then one space may be located in the front yard on an extended driveway developed in conformance with this article (Alternative B). Tandem parking is permitted only if an extended driveway cannot be accommodated (Alternative C).

Alternative A (Existing Ordinance -
Parking in Front and Rear Yard Setback
Areas Only)



Alternative B (Extended Driveway)



Alternative C (Tandem Parking)

